

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed July 22, 2005 (Paper No. 20050712). Upon entry of this response, claims 3-5, 7-11, 16, 18, and 62-111 are pending in the application. In this response, claims 3-5, 7-10, 16, and 18 have been amended, claims 62-111 have been added, and claims 1-2, 6, 12-15, 17, and 19-61 have been cancelled. Applicants respectfully request that the amendments being filed herewith be entered and request that there be reconsideration of all pending claims.

1. Rejection of Claims 7-8, 25-26, and 47 under 35 U.S.C. §112, Second Paragraph

Claims 7-8, 25-26, and 47 have been rejected under 35 U.S.C. §112, Second Paragraph. Specifically, the Office Action states that claims 7-8 and 25-26 have insufficient antecedent basis for “said location” and claim 47 has insufficient basis for “said switch.” Claims 7-8 have been amended, and claims 25, 26, and 47 have been cancelled. Applicants respectfully request that the rejection be withdrawn under 35 U.S.C. §112, Second Paragraph be withdrawn.

2. Rejection of Claims 1-2, 5, 8, 10-11, 19-20, 23, 26, 28-29, 37-38, 41, 44, 48, 54, and 56-57 under 35 U.S.C. §102

Claims 1-2, 5, 8, 10-11, 19-20, 23, 26, 28-29, 37-38, 41, 44, 48, 54, and 56-57 have been rejected under §102(e) as allegedly anticipated by *Dinh* (U.S. 6,434,615).

a. Claims 1-2, 19-20, 23, 26, 28-29, 37-38, 41, 44, 48, 54, and 56-57

Claims 1-2, 19-20, 23, 26, 28-29, 37-38, 41, 44, 48, 54, and 56-57 are cancelled without prejudice, waiver, or disclaimer, and the rejection of these claims is therefore rendered moot. Applicants take this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicants reserve the right to

pursue the subject matter of these cancelled claims in a continuing application, if Applicants so choose, and do not intend to dedicate any of the cancelled subject matter to the public.

b. Claims 5 and 8

Claims 5 and 8 have been amended to be dependent on newly added claim 62. Since claim 62 is allowable for at least the reasons discussed below, Applicants respectfully submit that amended claims 5 and 8 are allowable for at least the reason that each depends from an allowable claim. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596, 1598 (Fed. Cir. 1988). Therefore, Applicants respectfully request that the rejection of claims 5 and 8 be withdrawn.

c. Claims 10 and 11

Applicants respectfully submit that *Dinh* does not disclose, teach, or suggest the feature of “assigning a first internet protocol (IP) address, wherein said first IP address corresponds to said second communication device” as recited in claim 10, or the feature of “associating a second IP address with said first IP address” as recited in claim 11. The Office Action alleges that these features are disclosed in *Dinh* at Col. 6, lines 4-17. Applicants respectfully disagree. This portion of *Dinh* discloses use of a single IP address (“the controlling computer 120 initiates an HTTP request to a specific IP address”) but does not disclose assigning an address, or associating one IP address with another. Furthermore, Applicants can find no discussion anywhere in *Dinh* that discloses these features. For at least the reason that *Dinh* fails to disclose, teach, or suggest the above-described features recited in claims 10 and 11, Applicants request that the rejection of claims 10 and 11 be withdrawn.

3. Rejection of Claims 3-4, 6-7, 9, 16-17, 21-22, 24-25, 27, 34-35, 39-40, 42-43, 51, 53, 55, and 60-61 under 35 U.S.C. §103

Claims 3-4, 6-7, 9, 16-17, 21-22, 24-25, 27, 34-35, 39-40, 42-43, 51, 53, 55, and 60-61 have been rejected under §103(a) as allegedly obvious over *Dinh* (U.S. 6,434,615) in view of Applicant's admitted prior art.

a. Claims 6, 21-22, 24-25, 27, 34-35, 39-40, 42-43, 51, 53, 55, and 60-61

Claims 6, 21-22, 24-25, 27, 34-35, 39-40, 42-43, 51, 53, 55, and 60-61 are cancelled without prejudice, waiver, or disclaimer, and therefore, the rejection of these claims is rendered moot. Applicant takes this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicant reserves the right to pursue the subject matter of these cancelled claims in a continuing application, if Applicant so chooses, and does not intend to dedicate any of the cancelled subject matter to the public.

b. Claim 3

The Office Action alleges that Applicants' admitted prior art discloses the feature of "configuring at least one switch such that a plurality of physical links associated with a plurality of data link connection identifiers (DCLIs) are coupled together" as recited in claim 3.

Specifically, the Office Action alleges that this feature is disclosed on p. 6 and FIG. 1 of the instant application. Applicants respectfully disagree. The Background portion of the instant specification is a general discussion of virtual circuits in ATM or frame relay networks. This description, along with FIG. 1, describes how data flows once a circuit has been established.

However, this description does not teach performing the step of configuring the switch as recited in claim 3.

Nor does *Dinh* disclose, teach, or suggest the above-described feature recited in claim 3. Accordingly, the proposed combination of *Dinh* in view of Applicants' admitted prior art does not teach at least the above-described feature recited in claim 3. Therefore, a *prima facie* case establishing an obviousness rejection by the proposed combination has not been made. Thus, claim 3 is not obvious under the proposed combination of *Dinh* in view of Applicants' admitted prior art, and the rejection should be withdrawn.

c. Claim 4

The Office Action alleges that Applicants' admitted prior art discloses the feature of "configuring a digital subscriber loop access multiplexer (DSLAM) connected to a plurality of second communication devices such that said second communication device associated with said specified identifier is connected by said step of establishing connectivity" as recited in claim 4. Specifically, the Office Action alleges that this feature is disclosed on p. 17 and block 52 in FIG. 1 of the instant application. Applicants respectfully disagree. Applicants first note that p. 17 of the instant specification is the detailed description of the preferred embodiment, and is *not* admitted prior art. Furthermore, FIG. 1 is labeled "prior art", but this figure is a static illustration of an example network configuration, and does not illustrate the step of configuring the DSLAM.

Nor does *Dinh* disclose, teach, or suggest the above-described feature recited in claim 4. Accordingly, the proposed combination of *Dinh* in view of Applicants' admitted prior art does not teach at least the above-described feature recited in claim 4. Therefore, a *prima facie* case establishing an obviousness rejection by the proposed combination has not been made. Thus, claim 4 is not obvious under the proposed combination of *Dinh* in view of Applicants' admitted prior art, and the rejection should be withdrawn.

d. Claim 7

Applicants agree with the Examiner that the Background discloses a computer located in a network service provider network accessing a user's communication device. However, Applicants respectfully submit that a person of ordinary skill in the art would have no motivation to combine this feature with the network described in *Dinh*. The various communication devices used in the system of *Dinh* are connected via the Internet, and as such, the location of any of these devices is unimportant to the system of *Dinh*. There would be no reason for one using the system of *Dinh* to locate any particular device in any particular location. In contrast, the location of particular devices is relevant to Applicants' claimed invention as defined in claim 7. As described in Applicants' specification (pages 6-7), particular problems arise when one device is located in a network operated by a network service provider and the other is located in a network operated by an access network provider, and Applicants' invention solves these problems.

Since there is no motivation to combine *Dinh* with Applicant's admitted prior art, a *prima facie* case establishing an obviousness rejection by the proposed combination has not been made. Thus, claim 7 is not obvious under the proposed combination of *Dinh* in view of Applicants' admitted prior art, and the rejection should be withdrawn.

4. Rejection of Claims 12, 30, and 58 under 35 U.S.C. §103

Claims 12, 30, and 58 have been rejected under §103(a) as allegedly obvious over *Dinh* (U.S. 6,434,615) in view of *Hasenstein* ("IP Network Address Translation"). Claims 12, 30, and 58 are cancelled without prejudice, waiver, or disclaimer, and the rejection of these claims is therefore rendered moot. Applicants take this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicants reserve the right to pursue the subject matter of these cancelled claims in a continuing

application, if Applicants so choose, and do not intend to dedicate any of the cancelled subject matter to the public.

5. Rejection of Claims 13-14, 31-32, and 49-50 under 35 U.S.C. §103

Claims 13-14, 31-32, and 49-50 have been rejected under §103(a) as allegedly obvious over *Dinh* (U.S. 6,434,615) in view of *Mack* (U.S. 6,192,044). Claims 13-14, 31-32, and 49-50 are cancelled without prejudice, waiver, or disclaimer, and the rejection of these claims is therefore rendered moot. Applicants take this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicants reserve the right to pursue the subject matter of these cancelled claims in a continuing application, if Applicants so choose, and do not intend to dedicate any of the cancelled subject matter to the public.

6. Rejection of Claims 15, 33, and 59 under 35 U.S.C. §103

Claims 15, 33, and 59 have been rejected under §103(a) as allegedly obvious over *Dinh* (U.S. 6,434,615) in view of *Sheresh* ("Proxy Server 2.0") Claims 15, 33, and 59 are cancelled without prejudice, waiver, or disclaimer, and the rejection of these claims is therefore rendered moot. Applicants take this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicants reserve the right to pursue the subject matter of these cancelled claims in a continuing application, if Applicants so choose, and do not intend to dedicate any of the cancelled subject matter to the public.

7. Rejection of Claims 18, 36, and 52 under 35 U.S.C. §103

Claims 18, 36, and 52 have been rejected under §103(a) as allegedly obvious over *Dinh* (U.S. 6,434,615) in view of *Dowling* (U.S. 6,574,239). Claims 18, 36, and 52 are cancelled without prejudice, waiver, or disclaimer, and the rejection of these claims is therefore rendered moot. Applicants take this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicants reserve the right to pursue the subject matter of these cancelled claims in a continuing application, if Applicants so choose, and do not intend to dedicate any of the cancelled subject matter to the public.

8. Rejection of Claims 45-47 under 35 U.S.C. §103

Claims 45-47 have been rejected under §103(a) as allegedly obvious over *Dinh* (U.S. 6,434,615) in view of *Kikinis* (U.S. 2002/0057671). Claims 45-47 are cancelled without prejudice, waiver, or disclaimer, and the rejection of these claims is therefore rendered moot. Applicants take this action merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicants reserve the right to pursue the subject matter of these cancelled claims in a continuing application, if Applicants so choose, and do not intend to dedicate any of the cancelled subject matter to the public.

9. Newly Added Claims

Applicants submit that new claims 62-115 are allowable over the cited references. Specifically, independent claim 63 is allowable for at least the reason that the cited references do not teach, disclose, or suggest the feature of “configuring a network device to establish a route between the first communication device and the second communication device based upon the

specified predefined identifier.” Independent claim 78 is allowable for at least the reason that the cited references do not teach, disclose, or suggest the feature of “means for configuring a network device to establish a route between the first communication device and the second communication device based upon the specified predefined identifier.” Independent claims 87 and 105 are allowable for at least the reason that the cited references do not teach, disclose, or suggest the feature of “coupling the first communication channel to the second communication channel to establish connectivity between the first communication device and the second communication device, the first communication device located in a first network operated by a first provider, and the second communication device located in a second network operated by a second provider different than the first provider.” Dependent claims 3-5, 7-11, 16, 18, and 62-115 are allowable for at least the reason that each depends from an allowable claim.

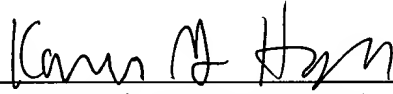
Therefore, Applicants request that the Examiner enter and allow the above new claims.

CONCLUSION

Applicants respectfully request that all outstanding objections and rejections be withdrawn and that this application and presently pending claims 3-5, 7-11, 16, 18, and 62-111 be allowed to issue. If the Examiner has any questions or comments regarding Applicants' response, the Examiner is encouraged to telephone Applicants' undersigned counsel.

Respectfully submitted,

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